

Serial Number  
10/020,045

PU010301  
Customer No. 24498

## REMARKS

Claims 1-17 and 19-22 are pending.

Claims 1-17 and 19-22 are rejected.

Claim 18 is cancelled.

Claim 1 to comport with method Claim 17 as to recite the feature of "spooling" video as to drop video frames when attempting to catch up to real time video (see page 15, line 18 to page 16, line 5 of the specification). In addition, the feature of overriding a switch over between an interactive application to a video program, at the end of a commercial break, is described in the specification on page 12, lines 5-10. The Applicants have also attempt to specify the use of the catch up feature described in the specification as only occurring when the use of an interactive application is longer than the period corresponding to the beginning and the end of an commercial break. That is, there is not a need to catch up to a real time broadcast if an interactive application is terminated before the end of a commercial break because the user will resume watching the program in real time, once the commercial break ends. This feature is made explicit in the claim with this amendment.

Claim 3 is amended to change "television program" to "video program" as requested to by the Examiner.

Claim 17 is amended to claim a user override feature which is described in the specification on page 12, lines 5-10 (which is similarly claimed in Claim 1...).

Claim 19 is amended to change the dependency of the claim from cancelled Claim 18 to pending Claim 17.

No new matter was added to these claims.

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*I. 35 U.S.C. § 103 Rejection of Claims 1-16*

The Examiner rejected Claims 1-16 under 35 U.S.C. 103(a) as being unpatentable over Tsuchida (U.S. Patent Publication No. 2002/0194593) in view of Karlton et al. (U.S. Patent 5,835,717, hereafter referred to as 'Karlton'). The Applicants disagree with this ground of rejection.

Claim 1, as currently amended, recites the claimed features of:

"automatically switching back to the display of said video program at the end of said commercial break unless said user enables an override command at the time of said switching operation as to continue the operation of said interactive application until said interactive application is terminated

at the time said interactive application is terminated, said system automatically saves said user's progress in the operation of said interactive application as to resume the display of said video program in said primary display area, and

received information corresponding to said video program is stored during part of the period when said interactive application and said second interactive application is being used, and

playing back said stored information in said primary area, when said interactive application is terminated, as to drop at least one frame of video from said stored information until said video program can be presented in real time only when the operation of said interactive application lasts longer than the period of time corresponding to said beginning of said commercial break and the end of said commercial break."

These features are not disclosed or suggested in the cited art against Claim 1 (see the rejection for Claim 17 for the support of this contention, where some of the claim features for Claim 1 are from Claim 17).

Claim 1, as amended, now accounts for several different things that may occur what a commercial break is initiated. First, Claim 1 provides an apparatus for allowing a user to multiple interactive applications during the course of a

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commercial break in video programming, where a user may switch between a first and a second application, where the user's progress is stored during such a switch over.

The invention then provides a further option for allowing a user to override the automatic switching back to a video programming, when a commercial break ends. This override feature (which is not in the discussed combination cited by the Examiner) provides a benefit of allowing a user to use a series of interactive applications if needed for a period longer than a commercial break. Also, such an override operation indirectly informs the user that a commercial break has ended.

The use of the override however then has to allow a user to resume watching desired programming (no commercials), when the use of an interactive application is longer than the commercial break. Hence, the apparatus then provides an instrumentality for a user to catch up to eventually catch up to real time programming by dropping at least one frame from a saved video programming. This operation however should only happen if the use of an interactive program is longer than the period from the beginning to the end of a commercial break. Otherwise, there is no reason to perform this feature (this limitation would not be disclosed or suggested in Allen (U.S. Patent Publication 2003/0041331)).

Hence, the disclosed combination of all the claimed features of Claim 1 are not disclosed or suggested) in the cited art of record. Therefore, Applicants assert that Claim 1 is patentable for the reasons listed above. In addition, Claims 2-16 are patentable as such claims depend on allowable Claim 1. Applicants request the removal of the rejection to these claims.

## *II. 35 U.S.C. § 103 Rejection of Claims 17 and 22*

The Examiner rejected Claims 17 and 22 under 35 U.S.C. 103(a) as being unpatentable over Tsuchida in view of Allen et al. (U.S. Patent Publication No. 2003/0041331, hereafter referred to as 'Allen').

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Claim 17, as amended, claims the elements of:

"displaying the interactive application in the primary display area until the end of said commercial break, where said video program is automatically resumed to be displayed in said primary display area, except when said user enters in an override command at the time of said commercial break whereby said interactive application is displayed in the primary display area until said interactive application is terminated."

These claimed elements are neither disclosed nor suggested in Tsuchida and Allen, alone or in combination. That is, there is no disclosure of an override feature that is needed to be activated when a commercial break ends. That is, the override feature indirectly informs a user about when a commercial break has ended and provides the user with the option of using an interactive application or resuming the watching video programming.

Applicants therefore assert the Claim 17 is patentable in view of the cited art of record. Applicants also assert that Claim 22 is patentable; as such a claim depends on allowable Claim 17. Applicants therefore request that the Examiner remove the rejection to this claim.

### *III. 35 U.S.C. § 103 Rejection of Claims 19-21*

The Examiner rejected Claims 19-21 as being unpatentable in view of Tsuchida in view of Allen and in further view of Karlton.

Applicants assert that such claims are patentable as such claims depend on allowable base Claim 17. Hence, Applicants request that this ground of rejection be removed.

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Applicants request a three-month extension under 37 C.F.R. 1.136(a) from the three month due date was originally due (note that the due date is going to be six months from the original mailing date of November 30, which is May 30). Applicants are also submitting this response with a request for continuing examination (RCE). Please charge the fee for this extension, RCE, and any other fees owned in connection with this action to Deposit Account 07-0832.

Having fully addressed the Examiner's rejections it is believed that, in view of the preceding amendments and remarks, this application is in condition for allowance. Accordingly, reconsideration and allowance are respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the Applicants' attorney at (609) 734-6809, so that a mutually convenient date and time for a telephonic interview may be scheduled.

Respectfully submitted,  
/Joel M. Fogelson/  
By: Joel M. Fogelson  
Reg. No. 43, 613  
Phone (609) 734-6809

Patent Operations  
Thomson Licensing  
P.O. Box 5312  
Princeton, New Jersey 08543-5312  
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